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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,280	04/08/2004	Jack W. Adoline	BGEE 2 00017	8603
27885	7590	06/29/2006	EXAMINER	
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP 1100 SUPERIOR AVENUE, SEVENTH FLOOR CLEVELAND, OH 44114			SY, MARIANO ONG	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/820,280

Applicant(s)

ADOLINE ET AL.

Examiner

Mariano Sy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-83 is/are pending in the application.
- 4a) Of the above claim(s) 33-40,42-48,63-71 and 77-83 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32,41,49-62 and 72-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>03/20/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed on March 16, 2006 has been received.
2. Applicant disclosed on the amendment filed on September 26, 2005 that claims 42 and 77 are readable on the elected specie A and sub-specie A-A. Examiner disagrees because claims 42 and 77, "a guide rod 190" read on Specie B, Figure 11; therefore claims 42 and 77 are withdrawn as being drawn to a nonelected specie.
3. Claim 76 is objected to because of the following informalities:
Line 1 "in claim 40" should be --in claim 49--.
Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 49-62 and 72-76 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 49 recites the limitation "said rod member" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1, 3-32, 41, 49-62, and 72-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schnitzius (DE 3939118) in view of Holzer (DE 2722884).

Re-claims 1, 14-26, and 49-56 Schnitzius disclosed, as shown in fig. 1, a spring system comprising a housing 11 having an axis, an internal chamber 14, and axially opposite bottom and top ends, a rod member 12 coaxial with said axis and positioned within said internal chamber and having an inner end in said housing and an outer end axially outwardly of said top end, a guide member 13 on said inner end of said rod member supporting said rod member for reciprocation axially between retracted and

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extended positions, and first 18 and second 17 compression springs each extending between said guide member and the bottom end of said housing, said first and second springs being coaxial with one another and with the axis, said guide member dividing said internal chamber into at least two sub-chambers.

However Schnitzius was silent to disclose wherein the guide member including a first passageway (one way valve) and a second passageway.

Holzer teaches, as shown in Fig. 1, a spring device having a guide member 2 including a first passageway (one way valve) 7 and a second passageway 6.

Since Schnitzius and Holzer are both from the same field of endeavor (spring device), it would have been obvious to one of ordinary skill in the art to modify the guide member of Schnitzius to include a first passageway (one way valve) and a second passageway, in view of the teaching of Holzer, in order to change the damping characteristics of the spring device.

Re-claims 3, 4, and 73 "springs with different free length", see Figure 1.

Re-claims 5-13, 74, and 75 "outside diameter and wire diameter of first spring is less than outside diameter and wire diameter of second spring", see Figure 1.

Re-claims 27, 28, and 57-59 "bottom end sealed", see Figure 1.

Re-claims 29-32 and 60-62 "top end sealed", see Figure 1.

Re-claims 41 and 76 "bushing on top end", see Figure 1.

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9. Claims 2 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schnitzius in view of Holzer as applied to claims 1 and 49 above, and further in view of Kruger (DE 3716205).

Re-claims 2 and 72 Schnitzius as modified was silent to disclose wherein a direction of winding of said first compression spring is opposite to a direction of winding of said second compression spring.

Kruger teaches, as shown in fig. 1, the use of coaxial compression springs which are produced with the same winding direction or opposite winding direction, see abstract.

It would have been obvious to one of ordinary skill in the art to provide the coaxial springs of Schnitzius with a direction of winding of said first compression spring opposite to a direction of winding of said second compression spring, as taught by Kruger, as a matter of design choice in order to provide a higher contact forces.

Response to Arguments

10. Examiner has considered all arguments in the Remarks but are moot based on new grounds of rejection.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariano Sy whose telephone number is 571-272-7126. The examiner can normally be reached on Mon.-Fri. from 8:30 A.M. to 2:30 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's


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supervisor, James McClellan, can be reached on 571-272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 M. Sy

June 22, 2006

 6/20/06
ROBERT A. SICONOLFI
PATENT EXAMINER